

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

19cr3 (JGK)

CALVIN BURNETT,

ORDER

Defendant.

JOHN G. KOELTL, District Judge:

It is plain that the defendant's medical condition, and the ability of the Bureau of Prisons to provide adequate care for the defendant, will be important considerations at sentencing. The Court has adjourned the sentencing date to December 20, 2019, to allow the defendant to obtain medical care and to have a comprehensive evaluation of his medical condition completed. However, it is doubtful that the Government would be in a position to respond to any defense submissions prior to sentencing. The Court expects a thorough response by the Government to any defense submission with respect to the defendant's medical condition. If the Government contends that a prison sentence is appropriate, that response should include an opinion by a medical doctor, after review of the relevant medical records, concerning the ability of the Bureau of Prisons to care for the defendant consistent with appropriate medical standards of care. The Government should avoid submitting a form opinion concerning the ability of the Bureau of Prisons to handle all forms of medical conditions but should instead submit

an opinion with respect to the ability of the Bureau of Prisons to care for this defendant.

The parties should submit a proposed schedule for the submission of the defendant's sentencing submission followed by the Government's sentencing submission and a proposed sentencing date two weeks thereafter. The parties should consult the Court's deputy clerk in proposing a new sentencing date.

SO ORDERED.

**Dated: New York, New York
December 13, 2019**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**